

Table of 1999 Legislation that Affects IDEM (by Enrolled Act Number)

Enrolled Act No.	Subject(s)	Synopsis	Effective Date
SEA 1	Public Access Counselor and Complaint Procedure	The Office of the Public Access Counselor is established to respond to inquiries and complaints made by the public and public agencies concerning the public access laws. <i>(Language is identical to HEA 1002.)</i>	7/1/99
SEA 6	Household Hazardous Waste Grant Program	Conditionally exempt small quantity generator waste is added to the Household Hazardous Waste Grant Program. The amount of money available from the Hazardous Substances Response Trust Fund for HHW grants is increased to not more than \$450,000 each year.	7/1/99
SEA 32	Plans for Sanitary Sewer Extensions Prepared by Land Surveyors	Plans are not required to be submitted to any state agency for a permit, permission, or review whenever a person submits plans to a unit concerning the design or construction of a sanitary sewer extension for and within a subdivision, if specified conditions are met.	7/1/99 & 1/1/00
SEA 40	Technical Corrections	Seven technical corrections were made that affect IDEM.	3/2/99
SEA 63	NPDES Construction Permits	A discharger is not required to obtain a state permit for the modification or construction of a water pollution treatment or control facility if the discharger has an effective: 1) NPDES industrial permit for direct discharges to surface water; or 2) industrial waste pretreatment permit not issued by IDEM for discharges to a publicly owned treatment works. The discharger must file with IDEM a notice of installation, within 30 days after commencement of operation, for the additional pollutant control equipment and a design summary of any modifications.	4/29/99
SEA 66	Underground Storage Tank Grant Program	Owners or operators that closed or removed an underground storage tank after December 31, 1997 and before July 1, 1998 are eligible to receive a grant from the Underground Storage Tank Grant Program.	5/3/99

SEA 66 (continued)	Underground Storage Tank Civil Penalties	<p>A person is not subject to the civil penalty of not more than \$10,000 per underground storage tank for each day of violation if:</p> <ol style="list-style-type: none"> 1) the violation arose from an underground storage tank that is on a brownfield; 2) the person was not the owner or operator of the underground storage tank when the violation first occurred; 3) the person does not dispense a regulated substance into or from the underground tank for any purpose other than temporary or permanent closure or in violation of any federal, state, or local regulations; and 4) the underground storage tank is brought into compliance not later than one year after the person acquired ownership of the property. <p><i>(Language is identical to HEA 1909.)</i></p>	5/3/99
SEA 76	Septic Systems in Kosciusko County	<p>The adoption of a rule by the State Dept. of Health concerning the installation of residential septic systems in fill soil, may not prohibit the installation of a residential septic system in fill soil on a plat if:</p> <ol style="list-style-type: none"> 1) before the effective date of the rule, the plat of the affected lot was recorded; 2) there is not an available sewer line within 750 feet of the property line of the affected lot; and 3) the local health department determines that the soil, although fill soil, is suitable for the installation of a residential septic system. <p>This provision applies to Kosciusko County only.</p>	5/7/99
SEA 83	Groundwater Quality Standards	The provision that requires the Water Pollution Control Board to adopt rules that establish groundwater quality standards is amended to require that the groundwater quality standards include numeric and narrative criteria, a groundwater classification plan, and a method of determining where the groundwater quality standards must apply.	5/7/99
	Storm Water Runoff From Developed Real Property	By January 1, 2001, the legislative body of a unit must establish a policy, by ordinance or resolution, for the management of storm water runoff from developed real property located in the unit.	7/1/99
SEA 154	Transportation of High-Level Radioactive Waste	Before a person may transport high-level radioactive waste in Indiana, the person must submit a notice and a transportation fee of \$1,000 for each total shipment of nuclear waste to the director of SEMA.	7/1/99
SEA 204	Internet Notice of State Meetings and Bid Lists	In addition to publishing a notice in public newspapers of a public meeting or invitation for bids, a state agency must also provide electronic access to a notice through the Internet.	7/1/99
SEA 206	Locate State Government Offices in Downtown Areas	DOA must establish a policy to encourage state agencies to locate leased and state constructed facilities in downtown areas (includes brownfield revitalization zones).	7/1/99
SEA 272	Northwest IN Transportation Study Commission	The commission must evaluate the needs of high speed rail service in and through the state.	7/1/99

SEA 392	Washington County Landfill / Karst Terrain	The Washington County landfill must conduct tests to determine groundwater flow direction for purposes of determining appropriate groundwater monitoring locations. The landfill may continue to operate through November 1, 2002 under certain conditions. The landfill may not be operated after November 1, 2002 if the landfill does not comply with specified provisions.	5/7/99
SEA 397	IDEM Nonrule Policy Documents	An IDEM nonrule policy document may not be put into effect until 30 days after it is made available for public inspection and comment and presented to the appropriate board.	7/1/99
SEA 429	Recycled Materials Purchase Preference	Former recycled material purchasing preference specifications for purchasing supplies are removed and replaced with the requirement that the amount of the price preference and the recycled materials' composition of the supplies must be set by rules adopted by the governmental body, policies established by the purchasing agency, or the solicitation. The preference must be set to maximize the use of recycled materials when economically practical. The price preference may not be less than 10% or exceed 15%.	7/1/99
SEA 495	Foundry Sand	IDEM and the boards must allow a person to use foundry sand in accordance with guidance, without requiring the person to obtain any permits from IDEM, if the foundry sand meets Type III criteria under 329 IAC 10-9 and is for use in a land application operation or as a soil amendment if the application or amendment does not include the operation of a landfill. IDEM must develop a task force to develop guidance for IDEM before January 1, 2000.	7/1/99
	Inspections	IDEM must review and consider any information presented by the property owner in response to an oral report, a written summary, or questions raised during the inspection visit. IDEM must append any written information to the inspection report and include the written information in the public file.	7/1/99
SEA 502	Wastewater Management	The length of time that IDEM may issue new and renewal wastewater management permits, wastewater management vehicle licenses, and wastewater land application site approvals is extended from a period not to exceed 1 year to a period not to exceed 3 years. IDEM is given the authority to revoke or modify a wastewater management permit, wastewater management vehicle license, and wastewater land application site approval.	4/19/99
SEA 533	Licensure of Professional Geologists	The program for professional geologists is changed from a certification program to a licensure program. Employees of state government continue to be exempt from the requirements of licensure, as they were for certification, while engaging in providing geological services for the employee's employer. A certified soil scientist is also exempt from the requirements of licensure for professional geologists.	7/1/99
SEA 551	Public Water Systems	The definition of "public water system" is redefined (<i>refer to HEA 1687</i>). Public water systems are eligible to receive loans and other financial assistance from the Drinking Water Revolving Loan Fund. Public water systems are eligible for financial assistance from the IN Bond Bank.	7/1/99

SEA 551 (continued)	Supplemental Drinking Water and Wastewater Assistance Program and Fund	The Supplemental Wastewater Assistance Program and Fund is combined with the Supplemental Drinking Water Assistance Program and Fund to be called the Supplemental Drinking Water and Wastewater Assistance Program and Fund. Money from the Supplemental Drinking Water and Wastewater Assistance Fund is no longer specified for the benefit of political subdivisions or public water systems that serve economically disadvantaged municipalities.	7/1/99
SEA 625	Clean Water IN Program and Fund	The Clean Water Indiana Program and Fund are established to provide financial assistance to land occupiers and conservation groups to implement conservation practices to reduce nonpoint sources of water pollution through education, technical assistance, training, and cost sharing programs.	7/1/99
SEA 634	Storm Water Runoff and Construction Activity	If a violation of the rules on storm water runoff associated with construction activity (327 IAC 15-5) occurs, IDEM must determine which person is responsible for committing the violation.	5/5/99
SEA 662	Indiana Land Resources Council	The Indiana Land Resources Council is established to collect information and provide educational assistance, technical assistance, and advice to local governments regarding land use strategies and issues across the state.	7/1/99
HEA 1001	State Budget	Appropriations from the state general fund and other specifically dedicated funds are made for each IDEM program for the next two state fiscal years. \$40,000,000 is appropriated to the Supplemental Drinking Water and Wastewater Assistance Fund from the Build Indiana Fund for local wastewater and drinking water grants and loans. The Indiana Bond Bank is given the authority to enter swap agreements for the Wastewater Revolving Loan Fund and the Drinking Water Revolving Loan Fund.	7/1/99
HEA 1002	Public Access Counselor and Complaint Procedure	The Office of the Public Access Counselor is established to respond to inquiries and complaints made by the public and public agencies concerning the public access laws. <i>(Language is identical to SEA 1.)</i>	7/1/99
HEA 1136	Landfill Disposal Fees in St. Joseph County	Three townships in St. Joseph County are entitled to receive a percentage of the municipal solid waste disposal fees to be used to provide fire services within the township.	7/1/99
HEA 1163	IN Institute on Recycling	The termination date of the Indiana Institute on Recycling is extended from June 30, 1999 to June 30, 2001. IC 36-9-30-36, the provision that requires local units of government that provide solid waste collection or disposal services to submit a full cost accounting of solid waste collection and disposal to the Indiana Institute on Recycling by March 1 of each year is repealed.	4/23/99 & 7/1/99
HEA 1318	Lake County Regional Transportation Authority	The membership of the Lake County Regional Transportation Authority is expanded from 12 members to 16 members. The board of the authority is required to establish a citizens advisory council with 11 members.	5/3/99
HEA 1544	Environmental Lien on Tippecanoe County Landfill	The special taxing district in Tippecanoe County is given the authority to impose a lien on the site of the Tippecanoe County Landfill in order to recover the costs incurred by Tippecanoe County taxpayers for the cleanup of the landfill.	1/1/99 (retroactive)

HEA 1561	Air Emissions Reduction Credit Program	The EQSC must conduct a study to advise IDEM concerning the feasibility of establishing an air emissions reduction credit program that provides economic incentives to achieve air quality goals and objectives in Indiana.	4/23/99
HEA 1568	Replacement of Domestic Water Supplies from Coal Mining Activities	Money in the Post-1977 Abandoned Mine Reclamation Fund can now be used to replace domestic water supplies that are disrupted or affected by a surface coal mining and reclamation operation, including the disposal of coal combustion waste, where the surface coal mine and reclamation operation has been completed.	7/1/99
HEA 1578	Underground Petroleum Storage Tank Fee	The annual registration fee for each underground petroleum storage tank is reduced from \$290 to \$90 for each tank.	5/13/99
	Underground Storage Tank Corrective Action Liability for Operators	A person who is not an owner or operator of an underground storage tank is liable to the state only for corrective action to address a surface spill or overflow of a regulated substance from the underground storage tank that is intentionally caused by the person during the delivery of the regulated substance into the underground storage tank.	1/1/99 (retroactive) & 5/13/99
	IDEM Dedicated Funds	IDEM and the EQSC must conduct a study to evaluate different approaches for determining the allocation of costs of all department-wide services that support the funds under IC 13 that provide a source of money for a specified purpose.	5/13/99
	Hazardous Waste Manifest Program	The EQSC must review the hazardous waste manifest program and make any legislative recommendations, if appropriate.	5/13/99
HEA 1638	Agriculture Nonconforming Use	A county, a municipality, or the state is not prohibited from requiring an agricultural nonconforming use to be maintained and operated in compliance with all: 1) state environmental and state health laws and rules; and 2) requirements to which conforming agricultural use land is subject under the county's comprehensive plan or zoning ordinance.	7/1/99
HEA 1687	Definition of "Public Water System"	"Public water system" is broadened to include systems that provide water for human consumption delivered by constructed conveyances, rather than only piped water systems.	7/1/99
	Nonprofit Water Utility as a Water Authority	In addition to water authority reconstituted from a nonprofit water utility retaining all of its powers, it also retains privileges, rights, and exemptions as a nonprofit water utility, including eminent domain.	1/1/99 (retroactive)
HEA 1725	Lead-Based Paint Activity Fees	A state, a municipal corporation, or a unit (<i>county, municipality, township</i>) seeking an individual lead-based paint activities license is not required to pay the fee of \$150. A state, a municipal corporation, a unit, or a tax exempt organization, seeking approval of a lead-based paint activities training course as a lead-based paint activities training program provider, is not required to pay the fee of \$1,000.	5/3/99

HEA 1909	Underground Storage Tank Civil Penalties	<p>A person is not subject to the civil penalty of not more than \$10,000 per underground storage tank for each day of violation if:</p> <ol style="list-style-type: none"> 1) the violation arose from an underground storage tank that is on a brownfield; 2) the person was not the owner or operator of the underground storage tank when the violation first occurred; 3) the person does not dispense a regulated substance into or from the underground tank for any purpose other than temporary or permanent closure or in violation of any federal, state, or local regulations; and 4) the underground storage tank is brought into compliance not later than one year after the person acquired ownership of the property. <p><i>(Language is identical to SEA 66.)</i></p>	7/1/99
	Brownfields	Includes various brownfield matters concerning grants, forgivable loans, approving opinion of a nationally recognized bond counsel, contribution to a contaminant, personal property tax deduction, resolutions, and legalization and voiding of certain brownfield revitalization zones.	7/1/97 (retroactive), 5/3/99, & 7/1/199
HEA 1919	Permit Accountability Time Frames	<p>The number of days IDEM has to issue a permit decision on has been reduced as follows:</p> <ul style="list-style-type: none"> - Minor New NPDES General Permit-- from 180 days to 150 days - Wastewater Facility or Water Facility Construction Permit-- from 120 days to 90 days - Certification of a Special Waste-- from 60 days to 50 days <p>The EQSC is directed to review the permit accountability time frames outlined in IC 13-15-4-1 and 326 IAC 2-5-2 and make legislative recommendations.</p>	7/1/99
	Special Waste	A person may not be required to have special waste certified for disposal if the special waste is disposed of at a solid waste landfill cell or unit that meets or exceeds Subtitle D design standards and the disposal complies with the notification requirements in IC 13-20-7-7. Notification requirements are also included.	5/13/99
	IDEM Water, Solid Waste, and Hazardous Waste Permit Fees	Before billing a person, the commissioner is required to review the amount of money in the Environmental Management Permit Operation Fund. If the balance of the fund exceeds \$2,500,000 collected from NPDES fees under IC 13-18-20, exceeds \$2,500,000 collected from solid waste fees under IC 13-20-21, or exceeds \$2,500,000 collected from hazardous waste fees under IC 13-22-12 (once obligated expenditures are subtracted from the balance of each), then the commissioner must adjust the annual fee schedule to bill an amount, in the aggregate, equivalent to the fee schedule amount, less the excess over \$2,500,000.	7/1/99

HEA 1919 (continued)	Air Permits	A person may file an appeal of the commissioner's action in issuing an initial permit under the operating permit program under 42 U.S.C. 7661 through 7661f not later than 30 days (<i>rather than 15 days</i>) after the date the person received the notice for a permit issued after April 30, 1999. IDEM must develop written policies and procedures to address changes in estimated air pollution emissions from existing sources (a source in the reinforced plastic composites fabricating industry that emits styrene) and publish a nonrule policy document describing the policies and procedures that IDEM will use to make determinations on air construction and operating permits for these types of existing sources. The Air Pollution Control Board must adopt rules to establish appropriate standards for control of air pollution from new and existing sources in the reinforced plastic composites fabricating industry.	5/1/99 (retroactive) & 5/13/99
	Environmental Audit Reports	The voluntary environmental audit privilege does not apply to criminal investigations or proceedings. IDEM must propose an enforcement policy that provides relief from civil penalties for a voluntary disclosure that results from an internal environmental audit.	5/13/99
	RISC	The remediation and closure goals, objectives, and standards for hazardous waste management and underground storage tank activities must be consistent with the remediation objectives set forth in IC 13-25-5-8.5. The groundwater quality standards adopted under IC 13-18-17-5 must allow groundwater remediations to be consistent with the remediation objectives set forth in IC 13-25-5-8.5. The EQSC must submit a recommendation regarding a transition period to allow a person perform an investigation, remediation, or closure based on IDEM's published RISC guidance document, or based on the rules, policies, and guidance documents in effect before the publication of the RISC guidance document.	5/13/99 & 7/1/99
	IDEM Rule Fiscal Impacts	IDEM must publish, in the Indiana Register, the LSA fiscal analysis of a proposed rule if the proposed rule has an estimated economic impact on regulated entities that is greater than \$500,000. IDEM must include the full text of an LSA fiscal analysis for rules with an estimated economic impact on regulated entities that is greater than \$500,000 in the written materials to be considered at the board meetings where the rule is presented for preliminarily and final adoption.	7/1/99
HEA 2021	Motor Vehicle Inspection Stations	IC 13-17-5-5.1 replaces the language in the expired and repealed IC 13-17-5-5 concerning motor vehicle inspection stations.	6/30/98 (retroactive) & 5/13/99

Resolution No.	Subject(s)	Synopsis	Effective Date
HCR 115	Alternative Fuels and Alternative Fueled Vehicles	The Legislative Council is urged to direct the EQSC to study the air quality and benefits to air quality associated with alternative fuels and alternative fueled vehicles as they relate to the reduction of mobile source emissions.	Referred to the Legislative Council
HR 1	Steel Imports	The IGA urges the President of the U.S. to impose a one year ban on the imports of all steel products from Asia, Russia, and other regions if international trade agreements are being violated.	11/17/98
HR 25	Flood Plains and Floodway Regulations	The Legislative Council is urged to assign to the Natural Resources Study Committee the task of studying flood plains and floodway regulations with respect to construction in IN.	3/11/99
HR 29	SIP Call Rule	The IN House of Representatives opposes implementation of U.S EPA's No _x SIP call rule as promulgated in October 1998. They support the alternative, more cost-effective emission reduction plan proposed by IN to U.S. EPA in June 1998, that would minimize the long-distance interstate transport of ozone and precursor emissions to insignificant levels, using cost-effective emission controls, and would enable IN and adjacent states to comply with the 1-hour ozone standard.	4/29/99
HR 110	Ground Level Ozone Formation	The EQSC is urged to undertake the task of determining, for IN, the framework for the best national, state and regional strategy for controlling ground level ozone formation.	4/27/99
HR 119	American Heritage Rivers Designation	The members of the Indiana House of Representatives request that no rivers in Indiana be designated as Heritage Rivers under the federal American Heritage Rivers Initiative.	4/29/99
SCR 19	Steel Imports	The IGA urges the President of the U.S. to impose a one year ban on the imports of all steel products from Asia, Russia, and other regions if international trade agreements are being violated.	3/2/99